

in view of Tanaka (5,845,212). The Examiner also mentions in his comments the previously cited patent to Bailey.

Independent claims 17, 26, 33 and 36 were amended herein to indicate in each claim that the mobile station selects a base station from the plurality of base stations in accordance not only with the order of priority of the base stations, but also on the basis of the electric field intensity transmitted from the base station to the mobile station. In particular, the selected base station will be one that provides to the mobile station an electric field intensity at least equal to a predetermined level, that is, above a threshold.

This construction is supported in the original specification, claims and drawings. For example, please see in the specification, page 12 beginning at line 7 through line 24, and page 13, beginning at line 10 through line 27. In amending the claims new matter was not added.

The rejection of claims under 35 U.S.C. 103 for obviousness in view of the cited prior art is respectfully traversed.

Meier teaches two steps for selecting a base station by a mobile station. In particular, the first step detects the electric field intensities, respectively, provided by individual base stations in a plurality of stations. Meier then selects the base station having the strongest electric field intensity. If a plurality of base stations provide substantially the same electric field intensity, a specific one of the strong base stations is finally selected on the basis of the cost and the preset priority order.

On the other hand, in the present invention the electric intensities received from the base stations are not compared one base station relative to the other base stations. In the present invention the received electric field intensity from each base stations is compared with a predetermined threshold electric field intensity.

Stated in other words, the present invention does not define the order of selection from among the base stations per se, but chooses base stations from which one base station is selected on the basis of the priority order indicated by the announcement information after the candidate base stations are distinguished as providing a signal that exceeds a threshold level.

As indicated above, Meier does not set a threshold level of acceptability but bases its selection on the strongest electric field intensity (the strongest may still be a weak signal).

For these reasons, it is respectfully submitted that the present invention is distinguished over the reference and the rejection under 35 U.S.C. §103 for obviousness is inappropriate in this case.

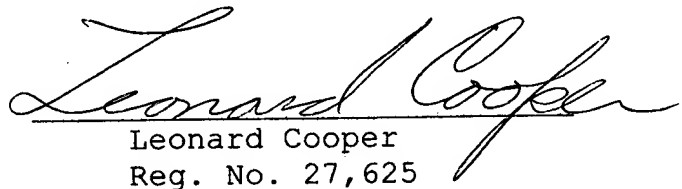
An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that independent claims 17, 26, 33 and 36 are in condition for allowance as well as all claims dependent therefrom, and claims 1-16, previously allowed. Passage of this case to allowance is earnestly solicited.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account No. 08-1634.

The attached pages are captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

Respectfully submitted,

  
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